

Application No.: 10/807,746

Docket No.: 28335/39196A

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REMARKS

In the Office Action, the Examiner requested that the claims be renumbered because the originally filed claims omitted a claim number three. The foregoing amendment, corrects the claim numbering and does not add new matter to the application. The following remarks refer to the new claim numbering.

In response to the restriction requirement mailed November 2, 2006, Applicants hereby elect claims 3, 4 and 5 (Group II) for examination in the above-identified application. The Examiner failed to list a Group for original claim 6 (now claim 5). Applicants believe that claim 5 should be included in Group II. In addition, Applicants were required to elect one amino acid sequence for examination. Applicants hereby elect SEQ ID NO: 7 for examination.

Applicants traverse the restriction of claim Groups I and VII. The claims of Group VII are directed to methods of eliciting an immune response to NTHI comprising administering a polypeptide of Group II. If the polypeptides of Group II (product claims) are found novel and non-obvious under 35 U.S.C. §103(a), Applicants may be entitled to rejoinder of claims to methods of using that product. See 1184 OG 86, (1996). Applicants hereby request that, if the product claims of Group II are allowed, the Patent Office rejoin the method claims of Group VII. To facilitate efficient examination, Applicants request that the claims of Group II and VII be examined simultaneously and the restriction requirement with respect to Groups II and VII be withdrawn.

Dated: December 4, 2006

Respectfully submitted,

By 

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